IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2006

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THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.P.NO.42515 OF 2006
and
M.P.NO.1 OF 2006

Kurunkulam Arignar Anna Sarkarai Alai
Thinakkooly Thozhilalar Sangam,
Kurungulam,
853, South Street,
Melpadi P.O.
Thanjavur District
rep. by its Secretary
P.Maran .. Petitioner

Vs.

1.The Chairman,
Tamilnadu Sugar Corporation,
Periyar Maligai,
Chennai-35.
2.The Chief Executive,
Kurungulam Arignar Anna Sugar Mills,
Kurungulam,
Thanjavur District .. Respondents

This writ petition is preferred under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, forbearing the respondents from altering the service conditions of the members of the petitioner sangam by engaging third parties on contract basis in pursuant to the Tender notification, dated 12.10.2006.

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For Petitioner : Mr.R.N.Amarnath

For Respondents : Mr.D.Srinivasan, GA

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ORDER

This writ petition is for a direction, forbearing the respondents from altering the service conditions of the members of the petitioner Sangam by engaging third parties on contract basis

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pursuant to the tender notification, dated 12.10.2006.

2.The case of the petitioner Sangam is that the members of the petitioner Sangam were employed on daily wages basis from the inception in the year 1978 when the second respondent Sugar Mill was established. The petitioner Sangam made several representations for the purpose of regularization of the service of its members taking into consideration of the several years of service rendered by them. There was a writ petition filed by the petitioner in W.P.No.10721 of 1996 and this Court, by order, dated 30.06.2003, has directed the petitioner Sangam to approach the Authorities under Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Industrial Workmen) Act, 1981. However, the petitioner Sangam was not able to approach the Authority, since there was a change in the management of the Union. In the meantime, in the year 2005 also, the second respondent has proceeded to employ contract labour by ignoring the service of the petitioner Sangam. In those circumstances, the petitioner Sangam has raised a dispute before the Labour Officer, Thanjavur and after enquiry, the Labour Officer, Thanjavur has submitted the failure report to the Government on 5.4.2005. However, the Government has not passed any order. In the meantime, by notification, dated 12.10.2006, the second respondent has again called for the appointment of the workers on contract basis. It is in these circumstances, the petitioner has approached this Court for a direction, as stated above.

3.I have heard the learned counsel for the petitioner and Mr.D.Srinivasan, Government Advocate, who takes notice for respondents.

4.Considering the above said fact that the petitioner Union has already approached the Labour Officer and the Labour Officer has also submitted a report to the Government, I am of the considered view that the Government should be directed to pass appropriate orders regarding the reference of dispute. In view of the submissions, the Government, represented through the Secretary, Labour Department, is directed to pass appropriate orders based on the failure report given by the Labour Officer, Thanjavur on 5.4.2005 within a period of four weeks from the date of receipt of copy of this order. It is made clear that till such an order is passed by the Government, the notification issued by the second respondent, dated 12.10.2006,

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calling for the employment of workers on contract basis, shall not be proceeded with. With the above directions, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

vvk

To

1.The Chairman,
Tamilnadu Sugar Corporation,
Periyar Maligai,
Chennai-35.
2.The Chief Executive,
Kurungulam Arignar Anna Sugar Mills,
Kurungulam,
Thanjavur District

+1cc to Govt. Pleader Sr 53221

BS (CO)
km/17.11.

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